

REMARKS

At the outset, it is noted that claim 24 has been amended to correct a typographical error. Claims 1-5 and 20-24 are pending.

In ¶ 2 the office action, claims 1-5 and 20-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art in view of either Ishikawa '970 or Ishikawa '057. The Applicant traverses this ground of rejection for the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met by the Examiner, as set forth at MPEP 706.02(j). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the combined prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. Applicants apply these criteria below to show that the Examiner has failed to establish a *prima facie* case of obviousness. Thus, the rejection of claims 1-5 and 20-24 as being unpatentable should be withdrawn.

Independent method claim 1 recites the step of passing a portion of a tape through a channel having a cross section that allows passage therethrough of a slider of successive slider-zipper assemblies, said channel being formed to limit turning of the slider about any axis. Independent method claim 3 recites the same limitation. Independent method claim 20 recites the step of placing a tape with sliders inserted thereon so that a first portion of the tape and at least one slider thereon are disposed in a channel of a guideway, with the flanges of that first portion penetrating and protruding out of a longitudinal opening in the guideway, and recites the further limitation that the channel has a cross-sectional shape that limits turning of a slider about any axis as that slider travels inside the channel during tape advancement. Thus each independent claim recites that the channel has a cross-sectional shape that limits turning of a slider about any axis as that slider travels inside or passes through the channel.

As conceded by the Examiner, the foregoing limitation cannot be found in either the admitted prior art or either Ishikawa reference. In particular, the Examiner stated:

The admitted prior art failed to expressly teach that one skilled in the art would have employed a guide mechanism which included a channel therein through which the zipper assembly was fed in the manufacture of the bag.

(See p. 2 of action, emphasis added.)

Moreover, while discussing the Ishikawa references, the Examiner stated:

While neither channel arrangement was designed to carry a slider there through, one skilled in the art would have constructed the channel when using a zipper with a slider with a suitable cross sectional shape such that it was capable of feeding the zipper and slider assembly therethrough.

(See p. 3 of action, emphasis added.) Thus the Examiner concedes that providing a channel for constrained guidance of a slider therethrough is not disclosed by either the admitted prior art or the Ishikawa references. Since a limitation of each independent claim cannot be found in any of the prior art relied upon by the Examiner, a *prima facie* case for obviousness has clearly not been made.

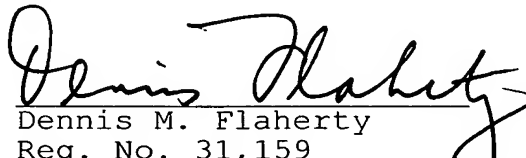
Furthermore, the Examiner's statements to the effect that a person skilled in the art would have known to adapt the guide means of Ishikawa to receive zipper tape with sliders are unsupported by any evidence and merely express an unfounded opinion which the Applicant disputes. On the contrary, the Applicant respectfully submits that a person skilled in the art would not have conceived of adapting the Ishikawa guide means to receive sliders, as is apparent from the Ishikawa references themselves, which teach that the guideway formed by upper and lower guide members is used to guide the slide fastener chain toward a slider mounting station (see Ishikawa '057, col. 4, ll. 8-12, and Ishikawa '970, col. 1, ll. 16-19 and col. 3, ll. 28-29). Thus, a person

skilled in the art would have no motivation to adapt the guide means of Ishikawa to receive sliders because they are designed to guide a tape without sliders toward a station where sliders are inserted. Thus, the person skilled in the art would find no motivation or suggestion for adapting the Ishikawa guide means to receive sliders. To do so would render the system of Ishikawa inoperable, so it cannot be deemed obvious to do.

In summary, neither the second nor third criterion for a *prima facie* case of obviousness have been satisfied, to wit: (1) all of the claim limitations cannot be found in the cited art; and (2) there is no suggestion or motivation to combine reference teachings.

In view of the foregoing, the Applicant submits that this application is now in condition for allowance. Reconsideration of the application and allowance of claims 1-5 and 20-24 are hereby requested.

Respectfully submitted,



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January 16, 2007
Date

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January 16, 2007

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